

Remarks:

Claims 1-80 are pending in the present application. By this Amendment, claims 1-35, 43 and 48-78 are canceled. Claims 36, 79 and 80 are amended, and new claim 81 is added. Support for the amendments to the claims are found in the specification as originally filed. Specifically, the amendments to claim 36 incorporate the element of originally filed claim 43 and adds a linker found in the specification at page 25, line 21. The amendments to claims 79 and 80 are made to correct grammatical errors, and to eliminate their dependence from canceled claim 35. New claim 81 depends from claim 36, and specifies the linker is that derived from the specification at page 25, line 21. No new matter is added to the claims by these amendments. Accordingly, entry of the amendments to the claims is respectfully requested.

Claim Rejections under 35 U.S.C. 102:

Claims 35-40 and 45-47 were rejected under 35 U.S.C. 102(b) as anticipated by US Patent 6,596,856 (McGall et al.). Applicants assume that the examiner also intended to include claims 41 and 42 in this rejection as well. While not admitting to the propriety of the rejection, and solely to expedite prosecution of the application, Applicants have chosen to cancel claim 35, and amend claim 36 to recite that the R<sub>1</sub> group is limited to a urea group. This represents incorporation of the element of claim 43, which the examiner deemed allowable. Claim 36 is further amended to add an additional linker, which is neither taught nor suggested by McGall et al. and is fully supported in the specification as filed. Accordingly, Applicants respectfully submit that claim 36 should now be allowable.

The remaining claims, 37-40 and 45-47, all depend from claim 36 and therefore should be allowable as that claim is allowable. Accordingly, reconsideration and withdrawal of the rejections of claims 36-42 and 45-47 under 35 U.S.C. 102(b) are respectfully requested.

Claim Rejections under 35 U.S.C. 103(a):

Claims 79 and 80 were rejected under 35 U.S.C. 103(a) as obvious over McGall et al. in view of the Stratagene Catalog, pg. 39, 1988. Claims 11 and 12 are by this Amendment canceled, rendering their rejections moot. While not admitting to the propriety of the rejection, and solely to expedite prosecution of the application, Applicants have amended claims 79 and 80 to make them depend from claim 36. Claim 36 has been amended to incorporate the limitation of claim 43, which was deemed allowable by the

JAN. 15. 2007 7:58AM RMS Patent Department

NO. 627 P. 6

Atty Docket: 21320-US  
Serial No. 10/719,257  
Response to Non-Final Action  
Page 6 of 6

examiner, and an additional linker. The Stratagene Catalog neither teaches nor suggests either element. Accordingly, reconsideration and withdrawal of the rejections of claims 79 and 80 under 35 U.S.C. 103(a) are respectfully requested.

Conclusion:

In view of the above, Applicants believe all claims now pending in this Application are in condition for allowance. The Commissioner is authorized to charge any fee deficiency, or credit any overpayment, to Deposit Account No. 50-0812.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned directly at 510-814-2891.

Respectfully submitted,

Date: Jan. 12, 2007

  
Charles M. Doyle (Reg. No. 39,175)

Roche Molecular Systems, Inc.  
1145 Atlantic Avenue  
Alameda, CA 94501  
Tele: (510) 814-2800  
Fax: (510) 814-2973